

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARY E. PRICE

*Plaintiff, Counterclaim Defendant,
pro se*

v.

COMMONWEALTH CHARTER

ACADEMY CYBER SCHOOL

Defendant, Counterclaim Plaintiff

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CIVIL ACTION

NO. 19-4633

ORDER

AND NOW, this 14th day of April 2021, upon consideration of Defendant Commonwealth Charter Academy Cyber School's ("CCA") *motion for partial summary judgment*, [ECF 24, 25], Plaintiff's *motion for summary judgment*,¹ [ECF 26], and CCA's response thereto, [ECF 27], it is hereby **ORDERED**, for the reasons set forth in the accompanying Memorandum Opinion, that:

1. CCA's motion for partial summary judgment, [ECF 24, 25], is **GRANTED**, as follows:
 - a. As to Count I of Plaintiff's complaint (Claim for Enforcement of the Hearing Officer's Decision); and
 - b. As to Count I of its counterclaims (Declaratory Judgment), *but only* as to CCA's request for a declaration that CCA's obligation to pay for T.R.'s compensatory education services under the Compensatory Education Award issued by Hearing Officer Charles W. Jelley in September of 2016 is limited to the customary,

¹ The Court is treating Plaintiff's filing entitled "brief in support of its motion for summary judgment," [ECF 26], as a motion for summary judgment and a response to CCA's motion for partial summary judgment.

prevailing hourly rate in the community, market, or location where T.R. receives services;²

2. CCA's motion is **DENIED**, as to Count I of its counterclaims (Declaratory Judgment), as to CCA's request for a declaration that the "market rate for tutoring services in the greater Philadelphia area is \$75 per hour"; and
3. Plaintiff's motion for summary judgment, [ECF 26], is **DENIED**.

Therefore, the following claims remain viable: Count II of Plaintiff's complaint (Retaliation Claim); Count I of CCA's counterclaims (Declaratory Judgment) (regarding CCA's request for declaratory judgment that the "market rate for tutoring services in the greater Philadelphia area is \$75 per hour"); and Count II of CCA's counterclaims (Wrongful Use of Civil Proceedings Claim).

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court

² (Hearing Officer's Decision, ECF 24-1, Ex. A).